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Promotion and Protection of Human Rights

Joint written statement* submitted by the International Federation of Human Rights Leagues and the World Organization against Torture, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 February 2000]

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* This written statement is issued, unedited, as received from the submitting non-governmental organizations.

As human rights defenders' activities have become more effective and have helped ensure greater protection for the victims of violations, the defenders themselves have increasingly come under attack in many States. In view of this, the World Organization against Torture and the International Federation of Human Rights Leagues, in conformity with a recommendation by their member organizations throughout the world, have decided to initiate an operational, reactive and flexible programme based on their combined experience and skills: the Observatory for the Protection of Human Rights Defenders.

The Observatory's policy rests on the belief that showing greater cooperation and solidarity towards harassed defenders and their organizations will help to break the isolation in which they are confined; and on the certainty that NGOs and the international community must respond systematically to the persecution of defenders.

Since it was set up in July 1997, the Observatory has gradually consolidated its capacity to protect defenders, by diversifying its activities and operations and by adapting them to situations in the field, through urgent appeals, notification of international bodies, international missions of inquiry and judicial observation, as well as legal defence and support, and strong mobilization of the media, intergovernmental organizations and public opinion.

The objective is twofold: to intervene in order to prevent or remedy specific individual or general cases of persecution; and to promote international mobilization in favour of defenders and the protection they require.

In its second annual report, published on 9 December 1999, the Observatory paints a terrible picture of the past year's events.

It is true that in the last 15 months the international community has shown some awareness of the degree of persecution to which human rights defenders are subjected, and of the need to establish international protection for their activities. This significant progress was confirmed when the United Nations General Assembly adopted its Declaration on Human Rights Defenders on 9 December 1998. In addition, various statements supporting victimized defenders were issued in 1999 by the United Nations Sub-Commission on the Promotion and Protection of Human Rights, and by organs of the European Union and the Organization of American States, in particular the European Parliament and the Inter-American Commission on Human Rights.

Meanwhile, however, the measures and practices aimed at neutralizing defenders have diminished neither in intensity nor in number. Quite on the contrary, according to information gathered or received by the Observatory, defenders are more exposed than ever to repressive measures, to the extent that it appears from the behaviour of some States that fully-fledged strategies have been introduced both nationally and regionally to silence defenders.

Dozens of States tolerate, encourage or organize repressive actions against defenders, which come in a variety of forms and tend to be increasingly sophisticated. The variety of repressive techniques employed appears endless, ranging from summary execution to constant threats against defenders' children. Some 20 or so different techniques of this kind have already been identified by the Observatory.

The victims of this persecution are to be found in many walks of life and include not only militants of human rights associations, but also committed lawyers, judges concerned for their independence, the relatives of disappeared persons or imprisoned defenders, trade union militants, social workers, teachers, journalists and humanitarian staff. The only feature they have in common is that, in the eyes of the authorities they thwart, they have taken too close an interest in attacks on human dignity, or even more so that they have dared express their concern in public.

An increasing number of States have been concentrating their attacks not only on defenders individually, but also on their associations. Two trends have emerged in the past year. The first has been the proliferation of restrictive laws subjecting independent associations to drastic controls by the authorities, thereby reducing their room for manoeuvre. The second has been the development of pseudo-non-governmental organizations[1] created entirely by the authorities for the purpose of weakening and discrediting independent NGOs even among the international community. What is the distinguishing feature of these pseudo-NGOs? Never to make any public utterance in any way critical of their rulers or actually to turn into purveyors of government propaganda, which they often are to start with.

While, judging by the cases monitored over the last year, the main responsibility for attacks on defenders has lain with States and State officials, a fair amount of the blame may also be attributed to armed opposition groups, who consider human rights defenders as embarrassing witnesses of their misdeeds.

In many States, the spread of repressive measures and practices against defenders and the denigration of the activities of independent NGOs are part of a broader strategy serving the combined objectives of preserving a positive image of the country on the international scene at all costs and covering up domestic policy in breach of universal standards.

These same States are often found to be denigrating the universal character of human rights, stressing instead their relative worth in relation to so-called specificities of culture, religion or worship, or to be evading their responsibilities in the name of their state of underdevelopment - which in fact is more a drawback for their peoples than for their rulers.

This is the setting against which the 26 States, just as the General Assembly had adopted its Declaration on Human Rights Defenders, made their interpretative Declaration, in which they asserted the precedence of their domestic legislation over international principles. That was the first time a group of countries gave expression so openly to a policy which left no room for ambiguity, and which consisted in protecting States against the activities of human rights defenders and not defenders against arbitrary action by States.

That clear statement of purpose has been followed by the emergence of real regional strategies. Following the example of Asian countries, which have developed, against defenders amongst others, the use of so-called "national security" laws, some North African and

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[1] Nicknamed GONGOs (Government-organized NGOs) or RGOs (Really Governmental Organizations).

Middle-Eastern countries have finalized an Arab Convention on the Suppression of Terrorism, which projects on a regional scale the same broadly incriminating technique used by the States domestically. While the fight against terrorism is both legitimate and necessary, if conducted in conformity with international rules, the harmonization at a regional level of legal measures of intensified repression against human rights defenders must give rise to the greatest concern.

It has to be recognized that, far from declining, the persecution of human rights defenders has been spreading and appears to be taking root. To counter such a trend, declarations of good intentions and cosmetic fixes are not enough; the response must be global and must aim at "the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want". The time has come to establish a specific mechanism to protect human rights defenders.

So far, the use of existing special procedures has served only to fill a gap in the international system for the protection of human rights, but its effect will necessarily be limited by the terms of the procedures, which by no means cover all the types of violations to which defenders are exposed. The protection afforded defenders by these procedures merely highlights the need to combine all such efforts, in order to ensure that the protection offered to defenders is not dispersed, random or conditioned by the particular category of violation to which they are exposed.

Furthermore, the establishment of a specific mechanism would relieve the burden of existing thematically and geographically-based procedures, which have to devote a significant proportion of their effort to cases of violations committed against human rights defenders.

The International Federation of Human Rights Leagues and the World Organization against Torture recall that several thousand NGOs appealed for the establishment of an international protection mechanism in the course of various demonstrations organized on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights (in particular the States General of Human Rights Defenders in Paris, Forum 98 in Geneva and Vienna + Five in Ottawa).

The International Federation of Human Rights Leagues and the World Organization against Torture therefore call on the United Nations Commission on Human Rights to establish a special procedure for the specific protection of human rights defenders, whose mandate will be not only to seek and receive information concerning acts preventing a person's enjoyment of the right, individually or with others, to promote the protection and realization of human rights and fundamental freedoms at national and international level, but also to react effectively with a view to protecting the persons concerned, as well as to examine the compatibility of national measures and practices with the provisions of the Declaration on Human Rights Defenders.

The World Organization against Torture, the International Federation of Human Rights Leagues and the Observatory call on the Commission to set up a department within the Office of the High Commissioner for Human Rights responsible for supporting the mechanism introduced in fulfilment of its mandate and assisting it to follow up the recommendations it makes to Governments.